

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION (TOLEDO)

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|--|---|------------------------------------|
| HOWARD FRANK, Individually and On Behalf | : | |
| Of All Others Similarly Situated, | : | Civil Action No. 3:05-cv-07393-JGC |
| | : | |
| Plaintiff, | : | Class Action |
| | : | |
| vs. | : | CHIEF JUDGE JAMES G. CARR |
| | : | |
| DANA CORPORATION, et al., | : | |
| | : | |
| Defendants. | : | |
| | : | |

**RENEWED MOTION OF DEFENDANTS MICHAEL J. BURNS AND
ROBERT C. RICHTER TO DISMISS THE CONSOLIDATED COMPLAINT**

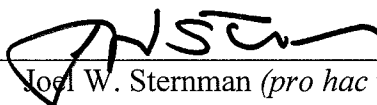
Under Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure and the Private Securities Litigation Reform Act, 15 U.S.C. §78u-4 *et seq.*, defendants Michael J. Burns and Robert C. Richter move for a judgment: (a) dismissing the Consolidated Complaint dated August 15, 2006, with prejudice, for failure to state a claim and to plead securities fraud with the requisite particularity; and (b) for such other and further relief as this Court deems proper.

Dated: April 1, 2009

Respectfully submitted,

KATTEN MUCHIN ROSENMAN LLP

By: _____



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